

BUCKET NO.: BMS-0826(DM-6864F)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

He, et al.

Serial No.: 09/930,782

Filing Date: August 16, 2001

For: Azolo Triazines and Pyrimidines

Confirmation No.: 3307

Group Art Unit: 1624

Examiner: Truong, Tamthom Ngo

DATE OF DEPOSIT:

2/21/03

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, DC 20231.

S. Maurice Valla
TYPED NAME: S. Maurice Valla
REGISTRATION NO.: 43,966

Box ☐ NON-FEE
☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated September 23, 2002.
- ☐ An Amendment Supplemental to the Paper filed .
- ☐ Other: .
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☒ An Associate Power of Attorney is enclosed.
- ☒ Copy of the Information Disclosure Statement submitted August 15, 2001.
- ☒ Attached Form 1449.
 - ☒ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☒ Supplemental Information Disclosure Statement.
- ☒ Attached Form 1449.
 - ☒ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith
- ☐ Appended Material as follows: .
- ☐ Other Material as follows: .

FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	4	36		\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIMS	1	3		\$42 EACH	\$	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$	\$410	\$410.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$	\$930	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$	\$1450	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$985	\$	\$1970	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$410.00

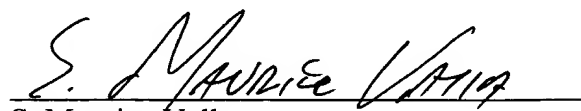
- ☒ A check in the amount of **\$750.00** (**\$410.00** for Extension Fee; **\$180.00** for Supplemental IDS and **\$130.00** Petition Fee) is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of September 23, 2002 to and through February 23, 2003 comprising an extension of the shortened statutory period of two month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.

- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.
- ☒ Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:

2/21/03


S. Maurice Valla
Registration No. 43,966

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



DOCKET NO. BMS-0826/DM-6864-F

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Liqi He, et al.

Serial No.: 09/930,782

Group Art Unit: 1624

Filing Date: August 16, 2001

Examiner: Tamthom Ngo Truong

For: AZOLO TRIAZINES AND PYRIMIDINES

DATE OF DEPOSIT: 2/21/03

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

S. Maurice Valla
TYPED NAME: S. Maurice Valla
REGISTRATION NO.: 43,966

Assistant Commissioner for Patents
Washington DC 20231

Dear Sir:

COMMUNICATION

In the Office Action dated September 23, 2002, the Examiner indicated that the enclosed references had not been considered because copies of those references were not found in the parent application file. It is therefore requested that the Examiner consider the enclosed references and return an initialed copy of the PTO Forms 1449 to Applicants.

Enclosed are copies of references 1-105 that were listed on the PTO Form 1449 originally filed **August 15, 2001**, a copy of which is attached to this communication. A copy of the date-stamped postcard dated **August 16, 2001** is also attached.

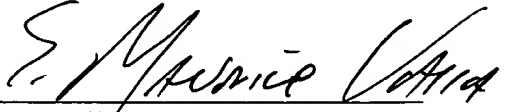
I have enclosed a clean copy of the PTO-1449 so the Examiner can initial and return to us.

DOCKET NO. BMS-0826/DM-6864-F

The Commissioner is authorized to charge payment of any fees associated with this communication and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050.

Date:

2/21/03


S. Maurice Valla
Registration No. 43,966

WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
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ATTY. DOCKET NO. TM-6864-F SERIAL NO. To Be Assigned ATTY. KSE
INVENTOR: He et al.
EXPRESS MAIL LABEL # _____

THE STAMP OF THE PATENT OFFICE HEREON ACKNOWLEDGES THE
RECEIPT, ON THE DATE INDICATED, OF THE FOLLOWING:

- | | |
|--|---|
| <input checked="" type="checkbox"/> SPECIFICATION (pp <u>214</u>) <u>NOTED</u>
OF CLAIMS <u>36</u> | <input type="checkbox"/> PETITION FOR EXT. OF TIME
OF MONTHS _____ |
| <input type="checkbox"/> DRAWINGS SHEET(S) _____ | <input type="checkbox"/> NOTICE OF APPEAL |
| <input checked="" type="checkbox"/> DECLARATION/POWER OF ATTORNEY | <input type="checkbox"/> ELECTION |
| # OF PAGES <u>2</u> <input checked="" type="checkbox"/> EXECUTED <input type="checkbox"/> UNEXECUTED | <input type="checkbox"/> LETTER |
| <input checked="" type="checkbox"/> FEE \$ <u>1,268.00</u> | <input type="checkbox"/> ASSIGNMENT |
| <input type="checkbox"/> AMENDMENT/RESPONSE | <input type="checkbox"/> AFFIDAVIT |
| <input checked="" type="checkbox"/> IDS AND FORM PTO-1449 <u>986</u> U.S. PTO | <input type="checkbox"/> TERMINAL DISCLAIMER |
| # OF REFERENCE(S) _____ | <input type="checkbox"/> ISSUE FEE |
| <input type="checkbox"/> OTHER _____ | |



08/16/01



Please type a plus sign (+) inside this box →



PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. DM-6864-F
First Inventor He
Title Azolo Trazines and Pyrimidines
Express Mail Label No. EL781890961

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 214]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS) PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)
Prior application information: Examiner J. Ford

of prior application No: 09 / 014,734
Group / Art Unit: 1624

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

24348

PATENT TRADEMARK OFFICE

or ☐ Correspondence address below

Name

RECEIVED

Address

FEB 27 2003

City

OFFICE OF PETITIONS

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Kalim S. Fuzail

Registration No. (Attorney/Agent)

45,805

Signature

Date

15 August 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

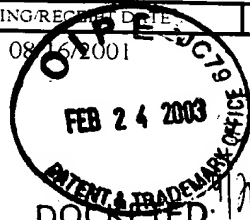


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIVED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/930,782	08/16/2001	Liqi He	DM-6864-F

24348 *KSF*
Dupont Pharmaceuticals Company
Legal Department - Patents
1007 Market Street
Wilmington, DE 19898



Received

DOCKETED:

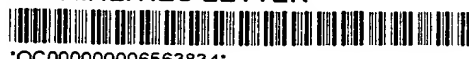
Due Date: 11/17/01

001 2001

No Action Required: aml

CONFIRMATION NO. 3307

FORMALITIES LETTER



OC000000006563834

Date Mailed: 09/17/2001

Kalim Fuzail

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 107 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

RECEIVED

FEB 27 2001

OFFICE OF PETITIONS

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FEB 27 2003
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*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY